

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff	:	
	:	
	:	Criminal No. 2:20-cr-200-RBS
v.	:	
	:	
TEVA PHARMACEUTICALS USA,	:	
INC., and GLENMARK	:	
PHARMACEUTICALS INC., USA,	:	
	:	
Defendants.		

**DECLARATION OF BRIAN SAVAGE, Esq.**

I, Brian Savage, Esq., hereby declare and state as follows:

1. I am the General Counsel of U.S. Generics at Teva Pharmaceuticals USA, Inc. (“Teva”) and have been in this position since the beginning of 2019. From 2015, when I first joined Teva, to the end of 2018, I was Senior Director and Executive Counsel, and in that role helped manage litigation and investigations related to antitrust matters in the United States.
2. In my current role, I am responsible for helping manage antitrust matters in the United States, including the above-captioned case.
3. Attorneys from Morgan Lewis, including partners John Pease and Eric Sitarchuk, previously represented Teva in a criminal investigation by the Antitrust Division of the Department of Justice relating to the pricing of generic pharmaceuticals. Morgan Lewis attorneys, including John Pease and Eric Sitarchuk, also currently represent Teva in civil actions relating to the pricing of generic pharmaceuticals. *See In re Generic Pharmaceuticals Pricing Antitrust Litigation*, Case No. 2:16-md-02724 (E.D. Pa.).

4. John Pease and Eric Sitarchuk entered their appearances on behalf of Teva in this criminal proceeding on September 3, 2020. Subsequently, at Teva's direction, they withdrew these entries of appearance on October 15, 2020.
5. Though Pease and Sitarchuk entered their appearances in this case, no Morgan Lewis attorneys have appeared before United States Magistrate Judge Sitarski or United States District Judge Surrick on behalf of Teva. Nor have they had any interaction with the Antitrust Division since Teva was named in the Second Superseding Indictment.
6. Teva is represented in this criminal action by lead trial counsel Ballard Spahr LLP ("Ballard Spahr") as well as by Kasowitz Benson Torres LLP ("Kasowitz"). I am not aware of either firm having ever represented Glenmark Pharmaceuticals, Inc. ("Glenmark").
7. I, and others at Teva, have been apprised of the potential for a conflict of interest, arising from the fact that one group of Morgan Lewis attorneys previously represented Teva in a prior criminal investigation and currently represents Teva in civil litigation, and another completely separate group of Morgan Lewis attorneys represents Glenmark in this criminal case. I understand that Morgan Lewis established an ethical wall to ensure that the Morgan Lewis attorneys representing Glenmark in this criminal case did not (and do not) have access to Teva's confidential information, and that the Morgan Lewis attorneys representing Teva did not (and do not) have access to Glenmark's confidential information related to this criminal case.
8. I, and others at Teva, have consulted with Ballard Spahr regarding the potential for a conflict of interest arising from Morgan Lewis's representations of Teva and Glenmark by separate teams of Morgan Lewis attorneys.

9. I am aware that Teva's defenses in this criminal action may not align with defenses asserted by Glenmark and that trial strategy may change as the case progresses.
10. I also understand that the Morgan Lewis attorneys representing Glenmark in this criminal action may cross examine witnesses, including current and former Teva employees.
11. Teva has taken all of the above into account in assessing whether a conflict of interest exists, stemming from Morgan Lewis's representation of Glenmark in this case, and concludes there is no current conflict of interest. Further, and again taking into account all of the circumstances described above, Teva knowingly, intelligently, and voluntarily waives the potential conflict of interest that may arise from such circumstances.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: June 17, 2021

/s/ Brian Savage

Brian Savage, Esq.  
General Counsel, U.S. Generics  
Teva Pharmaceuticals USA, Inc.